

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A method for establishing communication between a first wireless terminal and a second wireless terminal, ~~wherein the first wireless terminal may have at least one functional capability that the second wireless terminal may not have~~, the method comprising:

receiving a signal from the first wireless terminal to establish a communication between the first wireless terminal and the second wireless terminal, wherein the communication includes use of ~~the at least one functional capability that~~ first and second capabilities present in the first ~~[[second]]~~ wireless terminal ~~may not have~~;

determining whether the second wireless terminal has both the ~~at least one functional~~ first capability and the second capability; and

establishing the communication between the first wireless terminal and the second wireless terminal using the first capability ~~including use of the at least one functional capability~~, when it is determined that the second wireless terminal has the first capability but does not have the second at least one functional capability.

2. (Currently Amended) The method of claim 1, further comprising establishing the communication between the first wireless terminal and the second wireless terminal without the use of the second ~~at least one functional~~ capability, ~~when it is determined that the second wireless terminal does not have the at least one functional capability~~.

3. (Currently Amended) The method of claim 2, wherein the second at least one functional capability includes at least one of video call capability and multimedia capability.

4. (Currently Amended) The method of claim 2, further comprising:  
downgrading the communication between the first wireless terminal and the second wireless terminal to voice communication when it is determined that the second wireless terminal does not have the ~~at least one functional~~ second capability.

5. (Currently Amended) The method of claim 4, further comprising:  
downgrading the communication by splitting the communication into two streams.

6. (Original) The method of claim 5, wherein the two streams comprise a voice only stream between the first wireless terminal and the second wireless terminal and a video stream between the first wireless terminal and a video server.

7. (Original) The method of claim 5, further comprising forwarding the signal to a video gateway and setting up a video stream between the first wireless terminal and a video server.

8. (Currently Amended) A system for establishing communication between a first wireless terminal and a second wireless terminal, ~~wherein the first wireless terminal may have at least one functional capability that the second wireless terminal may not have~~, the system comprising:

means for receiving a signal from the first wireless terminal to establish a communication between the first wireless terminal and the second wireless terminal, wherein the communication includes use of ~~the at least one functional capability that~~ first and second capabilities present in the first ~~[[second]] wireless terminal may not have~~;

means for determining whether the second wireless terminal has both ~~the at least one functional~~ first capability and the second capability; and

means for establishing the communication between the first wireless terminal and the second wireless terminal using the first capability ~~including use of the~~

~~at least one functional capability~~, when it is determined that the second wireless terminal has the first capability but does not have the second ~~at least one functional capability~~.

9. (Currently Amended) The system of claim 8, wherein the means for establishing communication between the first wireless terminal and the second wireless terminal establishes a communication between the first wireless terminal and the second wireless terminal without the use of the ~~at least one functional~~ second capability, ~~when it is determined that the second wireless terminal does not have the at least one functional capability~~.

10. (Currently Amended) The system of claim 9, wherein the second ~~at least one functional capability~~ includes at least one of video call capability and multimedia capability.

11. (Currently Amended) The system of claim 9, further comprising:  
means for downgrading the communication between the first wireless terminal and the second wireless terminal to voice communication when it is determined that the second wireless terminal does not have the second ~~at least one functional~~ capability.

12. (Original) The system of claim 11, wherein the means for downgrading the communication downgrades the communication by splitting the communication into two streams.

13. (Original) The system of claim 12, wherein the two streams comprise a voice only stream between the first wireless terminal and the second wireless terminal and a video stream between the first wireless terminal and a video server.

14. (Currently Amended) The system of claim 12, further comprising:  
means for forwarding the signal to a video gateway; and

means for setting up a video session between the first wireless terminal and a video server.

15. (Original) A method for establishing communication between a first wireless terminal and a second wireless terminal, the method comprising:  
receiving a call signal from the first wireless terminal to establish a video session between the first wireless terminal and the second wireless terminal;  
querying a database to determine whether the second wireless terminal has video capability;  
if the second wireless terminal does not have video capability, then forwarding the call signal to a video gateway;  
setting up a video session between the first wireless terminal and a video server;  
and  
setting up a non-video session between the first wireless terminal and the second wireless terminal.

16. (Currently Amended) The method of claim 15, further comprising the video server playing a video announcement for the first wireless terminal informing the first wireless terminal of a lack of the video capability in the second wireless terminal.

17. (Original) The method of claim 15, wherein the database is at least one of a home location register and a visitor location register.

18. (Original) A system for establishing communication between a first wireless terminal and a second wireless terminal, the system comprising:  
means for receiving a call signal from the first wireless terminal to establish a video session between the first wireless terminal and the second wireless terminal;  
means for querying a database to determine whether the second wireless terminal has video capability;

means for setting up a video session between the first wireless terminal and a video server; and

means for setting up a non-video session between the first wireless terminal and the second wireless terminal.

19. (Currently Amended) The system of claim 18, further comprising means for playing a video announcement for the first wireless terminal informing the first wireless terminal of a lack of the video capability in the second wireless terminal.

20. (Original) The system of claim 18, wherein the database is at least one of a home location register and a visitor location register.

21. (Original) A system for establishing communication between a first wireless terminal and a second wireless terminal, the system comprising:  
at least one mobile switching center for receiving a call signal from the first wireless terminal to establish at least one video session between the first wireless terminal and the second wireless terminal;  
at least one call processing module for querying at least one of a home location register and a visitor location register to determine whether the second wireless terminal has a video capability, for setting up at least one video session between the first wireless terminal and a video server, and for setting up at least one non-video session between the first wireless terminal and the second wireless terminal.

22. (Original) The system of claim 21, wherein the at least one call processing module is resident in the at least one mobile switching center.

23. (Original) The system of claim 21, wherein the at least one call processing module is resident in a video gateway.

24. (Currently Amended) A method for establishing communications between a first mobile phone that is capable of supporting video telephony and a second mobile phone that is not capable of supporting video telephony ~~terminals in a wireless system,~~ the method comprising:

receiving a signal from the first mobile phone to establish a video telephony call between the first mobile phone and the second mobile phone ~~a call-  
originating terminal and a call receiving terminal;~~ and  
determining that the second mobile phone is not capable of supporting the video telephony call;  
splitting the video telephony call into two streams, the first stream being a voice-only stream and the second stream being a video stream; and  
establishing the call between the first mobile phone and the second mobile phone by forwarding only the first stream to the second mobile phone  
~~establishing, as a function of call processing functionality available to the call receiving terminal, the call between the call originating terminal and the call receiving terminal.~~

25. (Currently Amended) The method of claim 24, further comprising forwarding the second stream from the first mobile phone to a video server ~~wherein establishing the communication between the call originating terminal and the call receiving terminal further comprises establishing the call without the use of at least one call processing capability, when it is determined that the call receiving terminal does not have the at least one call processing capability.~~

26. (Currently Amended) The method of claim 24, further comprising forwarding the signal to a video gateway and setting up a video stream between the first mobile phone and a video server ~~wherein establishing the communication between the call originating terminal and the call receiving terminal further comprises establishing the call without the use of at least one call processing capability, when it is determined that~~

~~the call initially requires a call processing capability not available to the call receiving terminal.~~

27. (Currently Amended) The method of claim 24, wherein determining comprises identifying the second mobile phone in a database, the database including capabilities of the second mobile phone ~~establishing the communication between the call originating terminal and the call receiving terminal further comprises establishing the call without the use of video call capability, when the call originating terminal has video call capability, but the call receiving terminal does not have video call capability.~~

28. (Currently Amended) The method of claim ~~[[25]]~~ 24, wherein the ~~at least one call processing capability~~ video telephony includes at least one of video call capability and multimedia capability.

29. (Currently Amended) The method of claim ~~[[25]]~~ 24, further comprising: generating, by the video server, data including at least one of video data and picture data; and

forwarding the data to the first mobile phone ~~downgrading the communication between the call originating terminal and the call receiving terminal to voice communication when it is determined that the call receiving terminal does not have the at least one call processing capability.~~

30. (Currently Amended) The method of claim 29, wherein the data indicates to the first mobile phone that a voice only call is being established between the first mobile phone and the second mobile phone ~~further comprising:~~

~~downgrading the communication by splitting the communication into two streams.~~

31. (Canceled).

32. (Canceled).

33. (Currently Amended) In a wireless system having a plurality of terminals for processing calls, ~~wherein any differences in call processing functionality between the terminals may not be known to associated users when initiating calls,~~ a method for connecting calls between terminals comprising:

establishing a new call between an originating terminal and a terminating terminal, the new call reflecting call processing functionality available to the originating terminal regardless of call processing functionality available to the terminating terminal and invoked when placing the new call, ~~such that any adjustments required to establish the new call are made if the new call requires specific call processing functionality not available to the terminating terminal.~~

34. In a wireless system having a plurality of terminals for processing calls, ~~wherein any differences in call processing functionality between the terminals may not be known to associated users when initiating calls,~~ a method for connecting calls between terminals comprising:

an originating terminal initiating a new call for a terminating terminal, the new call reflecting call processing functionality available to the originating terminal regardless of call processing functionality available to the terminating terminal and invoked when placing the new call;  
the terminating terminal making adjustments required to establish the new call if the new call requires specific call processing functionality not available to the terminating terminal.